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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,374	08/02/2001	Berith Porso	000500-300	3321

7590 10/10/2003

Ronald L Grudziecki
Burns Doane Swecker & Mathis
PO Box 1404
Alexandria, VA 22313-1404

EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,374

Applicant(s)

PORSO ET AL. *CA*

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beihoffer et al. (6,222,091) in view of Wada et al. (5,994,614).

Beihoffer discloses all aspects of the claimed invention but remains silent as to the thickness of the absorbent structure.

Beihoffer discloses an absorbent structure for absorbent articles, as described in column 46, lines 29-31. The absorbent structure comprises a partially neutralized superabsorbent material, described by Beihoffer as a multicomponent SAP, and a superabsorbent material, described by Beihoffer as a second water-absorbing resin. The partially neutralized superabsorbent material has a degree of neutralization of 20%, as disclosed in column 27, table 1. The superabsorbent material has a degree of neutralization of greater than 20%, as disclosed in column 39, lines 44-46. The partially neutralized superabsorbent material and the superabsorbent material are present in different zones of the absorbent structure, as disclosed in column 46, lines 29-31. The zone comprising the partially neutralized superabsorbent material is defined here as the wetting region, and the zone comprising the superabsorbent material is outside of the wetting region. The wetting region comprises 100% by weight superabsorbent.

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Beihoffer discloses in column 46, lines 14-16, the goal of providing a thin absorbent structure, in order to provide a thinner diaper, but remains silent as to the measurement of thickness of the absorbent structure.

Wada discloses the use of an absorbent structure comprising superabsorbent material in a diaper, the absorbent structure having a thickness of between 1 mm and 5 mm. The thickness of between 1 mm and 5 mm provides satisfactory absorptivity while maintaining a comfortable feel for the wearer of the diaper, as disclosed in column 9, lines 59-62.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the absorbent structure of Beihoffer with a thickness of between about 1 mm and 5 mm, as taught by Wada, to provide satisfactory absorptivity while maintaining a comfortable feel for the wearer.

With respect to claim 2, it would have been obvious to one of ordinary skill in the art at the time of invention for the partially neutralized superabsorbent material to have a degree of neutralization of between 25% and 50% since the applicant has not disclosed that a degree of neutralization of between 25% and 50% solves any stated problem or serves any particular purpose, and it appears the invention would perform equally well with a degree of neutralization between 20% and 50%.

With respect to claim 3, the absorbent structure may include pulp, which comprises chemicals, as disclosed in column 36, lines 24-51.

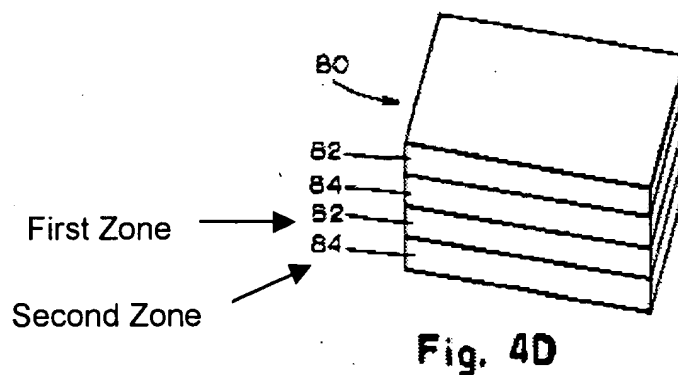
With respect to claim 4, Wada discloses a thickness of 1 mm to 3 mm.

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With respect to claim 5, the absorbent structure is intended for a diaper, which is an incontinence product.

With respect to claim 6, the superabsorbent material has a degree of neutralization of about 70%, as disclosed in column 39, lines 44-46.

With respect to claim 7, the partially neutralized superabsorbent material is shown in figure 1 as 14, and the superabsorbent material is shown as 12. Therefore, the partially neutralized superabsorbent material is shown in figure 4D as comprising a first zone closer to the wearer, and the superabsorbent material comprises a second zone located beneath the first zone.



With respect to claim 8, the partially neutralized superabsorbent material is placed in a layer in a lower part of the structure, as shown as the First Zone in the figure above.

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With respect to claim 9, a diaper is well known to comprise an upper liquid permeable layer, a bottom liquid impermeable barrier sheet, and the absorbent structure enclosed therebetween.

With respect to claims 10 and 11, the absorbent article is a diaper.

With respect to claim 12, Beihoffer discloses an absorbent structure for absorbent articles, as described in column 46, lines 29-31. The absorbent structure comprises a first zone including partially neutralized superabsorbent material, described by Beihoffer as a multicomponent SAP, and a second zone including a superabsorbent material, described by Beihoffer as a second water-absorbing resin. The partially neutralized superabsorbent material has a degree of neutralization of 20%, as disclosed in column 27, table 1. The superabsorbent material has a degree of neutralization of greater than 20%, as disclosed in column 39, lines 44-46. The first zone is located closer to a wearer, and the second zone is located beneath the first zone, as shown in figure 4D. The first zone comprises 100% by weight superabsorbent.

With respect to claim 13, the superabsorbent material has a degree of neutralization of about 70%, as disclosed in column 39, lines 44-46.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

UMA
cla

October 8, 2003



WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700